

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
-v-	:	22-CR-343-2 (JMF)
	:	20-CR-432 (JMF)
YAUREL CENTENO,	:	
	:	<u>ORDER</u>
Defendant.	:	
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JESSE M. FURMAN, United States District Judge:

On July 26, 2024, the Second Circuit vacated and remanded in 20-CR-432 on the ground that, in light of *United States v. Chappelle*, 41 F.4th 102 (2d Cir. 2022) (a decision issued after sentencing in this case), Defendant does not qualify as a career offender under the United States Sentencing Guidelines. *See* 20-CR-432, ECF No. 76. On July 31, 2024, the Court entered an Order noting that, as soon the mandate issues in 20-CR-432, it would set resentencing “for the same date and time as sentencing in 22-CR-343 (and, indeed, to effectively combine the two cases for purposes of sentencing, even if it results in separate judgments).” 20-CR-432, ECF No. 78. Sentencing in 22-CR-343 is set for September 25, 2024, at 2:30 p.m. *See* 22-CR-343, ECF No. 286. But the Court has learned that the mandate will not issue until at least September 16, 2024, only nine days before that sentencing date.


To avoid delay, and notwithstanding the fact that the mandate has not yet issued, the Court formally sets sentencing in 20-CR-432 for the same date and time — namely, **September 25, 2024, at 2:30 p.m.** Further, counsel shall file a single sentencing submission covering both cases. Defense submissions shall be filed **two weeks prior to sentencing**; the Government’s submissions are due **one week prior to sentencing**. Finally, recognizing that the Probation

Department has already prepared a new Presentence Investigation Report in 22-CR-343, *see* 22-CR-343, ECF No. 317, the Court sees no need for an amended Presentence Investigation Report in 20-CR-432. Instead, the Probation Department is directed to prepare and file a supplement to the Presentence Investigation Report in 20-CR-432 providing only its revised calculation of the United States Sentencing Guidelines for that case in light of the Second Circuit's decision. Counsel for Defendant and counsel for the Government shall confer and, no later than September 4, 2024, provide any information on that front to the Probation Department.

If either party has an objection to any of the foregoing (e.g., on the ground that the mandate has not yet issued), the party shall notify the Court no later than September 3, 2024.

SO ORDERED.

Dated: August 29, 2024
New York, New York



JESSE M. FURMAN
United States District Judge